

REMARKS

It is noted, with appreciation, that the Examiner has indicated that the rejections listed in paragraphs (1) to (5) on page 2 of the Examiner's Office Action letter have been withdrawn.

Claims 1, 2, 4 and 5 stand provisionally rejected by the Examiner on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 13-18 of co-pending application 10/488,804. This rejection is respectfully traversed.

Although the Applicant does not concur in the Examiner's conclusions concerning the double patenting rejection, in an effort to expedite prosecution of the present application, the Applicant is submitting herewith a Terminal Disclaimer, in the event that the Examiner maintains the double patenting rejection. With the filing of the Terminal Disclaimer, it is believed the double patenting rejection with respect to claims 1, 2, 4 and 5 has been eliminated.

Claim 4 has been objected to by the Examiner for the reasons set forth in paragraph 1 on page 4 of the Examiner's Office Action letter. As the Examiner will note, claim 4 has been amended as suggested by the Examiner and accordingly it is believed that this objection has been eliminated.

It is noted, with appreciation, that the Examiner has indicated that claims 3, 6, 7 and 8, although objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since it is believed that claims 1, 2, 4 and 5 will become allowable based upon the filing of the Terminal Disclaimer, claims 3, 6, 7 and 8 which are dependent either directly or indirectly from claim 1 will also be allowable thereby placing the present application into condition for allowance.

Accordingly, in view of the above amendments and remarks reconsideration of the rejection and objection and allowance of claims 1-8 of the present application are respectfully requested.

Application No. 10/527,270
Amendment dated June 18, 2007
After Final Office Action of March 22, 2007

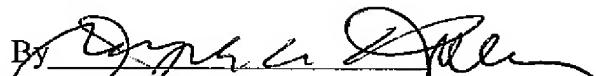
Docket No.: 0033-0988PUS1

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch Reg. No. 22,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 18, 2007

Respectfully submitted,

By 
Joseph A. Kolasch
Registration No.: 22,463
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant